

REPORTS OF THE COMMITTEE  
ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 30, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 695, "An Act providing a more efficient road law for Dickens county, Texas, authorizing the commissioners court to refund that part of the principal and interest of its county-wide road bonds which will mature in March and April, 1931, by the issuance of refunding bonds in said amount, bearing interest at the same, or a lower rate than the interest of said original bonds; providing for their maturities, for the levy of a tax in payment thereof, making this act cumulative of all other laws applicable to said county in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,  
Austin, Texas, March 30, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 370, "An Act to authorize any drainage district heretofore created or which may be hereafter created under the provisions of Chapter 7, Title 128, of the Revised Civil Statutes, 1925, and which at the time of its creation, has become a conservation and reclamation district under the provisions of Chapter 8, Title 128, aforesaid, or which may after its creation, pursuant to law now or hereafter in force, become such conservation and reclamation district, to levy all taxes of such district on a benefit basis, that is to say on an equal and uniform basis or rate on each acre of land within said district, instead of an ad valorem basis as now provided by law, to provide the method for the determination thereof, to repeal all laws in conflict herewith, and to declare an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

## THIRTY-SEVENTH DAY.

(Continued.)

(Tuesday, March 31, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

HOUSE BILL NO. 335 ON SECOND  
READING.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 335, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended at the Second Called Session thereof, so as to further regulate motor carriers transporting property over the public highways, etc., and declaring an emergency."

The bill having been read second time on yesterday, with amendment by Mr. Stevenson and amendment by Mr. Tarwater to the amendment, pending.

Question first recurring on the amendment by Mr. Tarwater to the amendment, it was adopted.

Mr. DeWolfe offered the following amendment to the amendment:

Amend amendment by striking out "not exceeding a distance of seventy-five miles."

Question recurring on the amendment by Mr. DeWolfe, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—41.

|                   |              |
|-------------------|--------------|
| Adams of Harris.  | Hines.       |
| Beck.             | Holland.     |
| Boyd.             | Hoskins.     |
| Bryant.           | Hughes.      |
| Burns of Walker.  | Keller.      |
| Coltrin.          | Lasseter.    |
| Cox of Lamar.     | Lockhart.    |
| Cox of Limestone. | Metcalf.     |
| Cunningham.       | Pope.        |
| Dale.             | Ray.         |
| Daniel.           | Reader.      |
| DeWolfe.          | Richardson.  |
| Donnell.          | Scott.       |
| Engelhard.        | Shelton.     |
| Farmer.           | Sherrill.    |
| Fisher.           | Tarwater.    |
| Fuchs.            | Terrell.     |
| Greathouse.       | of Cherokee. |
| Hanson.           | Vaughan.     |
| Hardy.            | Warwick.     |
| Hatchitt.         | Wiggs.       |

## Nays—84.

|                    |                   |
|--------------------|-------------------|
| Adams of Jasper.   | Kayton.           |
| Adamson.           | Kennedy.          |
| Akin.              | Laird.            |
| Albritton.         | Lee.              |
| Alsup.             | Lilley.           |
| Anderson.          | McDougald.        |
| Baker.             | McGill.           |
| Bedford.           | McGregor.         |
| Bounds.            | Magee.            |
| Bradley.           | Martin.           |
| Brice.             | Mathis.           |
| Brooks.            | Mehl.             |
| Burns              | Moffett.          |
| of McCulloch.      | Munson.           |
| Caven.             | Murphy.           |
| Claunch.           | O'Quinn.          |
| Coombes.           | Patterson.        |
| Davis.             | Petsch.           |
| Dodd.              | Ramsey.           |
| Dowell.            | Ratliff.          |
| Dwyer.             | Rogers.           |
| Elliott.           | Rountree.         |
| Farrar.            | Sanders.          |
| Finn.              | Satterwhite.      |
| Forbes.            | Savage.           |
| Ford.              | Smith of Bastrop. |
| Gilbert.           | Smith of Wood.    |
| Giles.             | Sparkman.         |
| Goodman.           | Stephens.         |
| Graves.            | Stevenson.        |
| Grogan.            | Steward.          |
| Harrison           | Strong.           |
| of El Paso.        | Sullivant.        |
| Hefley.            | Towery.           |
| Herzik.            | Turner.           |
| Holder.            | Van Zandt.        |
| Howsley.           | Veatch.           |
| Hubbard.           | Wagstaff.         |
| Jackson.           | Walker.           |
| Johnson            | Weinert.          |
| of Dimmit.         | West of Coryell.  |
| Johnson of Morris. | Wyatt.            |
| Jones of Shelby.   | Young.            |
| Justiss.           |                   |

## Absent.

|            |                    |
|------------|--------------------|
| Barron.    | Johnson            |
| Bond.      | of Dallam.         |
| Carpenter. | Jones of Atascosa. |
| Dunlap.    | Lemens.            |
| Duvall.    | Long.              |
| Ferguson.  | McCombs.           |
| Harman.    | Moore.             |
| Harrison   | Nicholson.         |
| of Waller. | Olsen.             |
| Hill.      | Terrell            |
| Holloway.  | of Val Verde.      |
|            | Westbrook.         |

## Absent—Excused.

|          |                  |
|----------|------------------|
| Adkins.  | Morse.           |
| Leonard. | West of Cameron. |

Mr. Metcalfe offered the following amendment to the amendment:

Amend amendment by striking out the words "seventy-five" and insert in lieu thereof the words "one hundred."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—52.

|                   |                |
|-------------------|----------------|
| Adams of Harris.  | Johnson        |
| Barron.           | of Dallam.     |
| Beck.             | Lockhart.      |
| Boyd.             | McCombs.       |
| Bryant.           | McGill.        |
| Burns of Walker.  | Magee.         |
| Coltrin.          | Mehl.          |
| Cox of Lamar.     | Metcalfe.      |
| Cox of Limestone. | Pope.          |
| Cunningham.       | Ray.           |
| Dale.             | Reader.        |
| Daniel.           | Richardson.    |
| DeWolfe.          | Rogers.        |
| Donnell.          | Satterwhite.   |
| Engelhard.        | Scott.         |
| Farmer.           | Shelton.       |
| Fisher.           | Smith of Wood. |
| Fuchs.            | Sullivant.     |
| Greathouse.       | Tarwater.      |
| Hanson.           | Terrell        |
| Hardy.            | of Cherokee.   |
| Harrison          | Van Zandt.     |
| of El Paso.       | Vaughan.       |
| Hatchitt.         | Walker.        |
| Hines.            | Warwick.       |
| Holland.          | Wiggs.         |
| Hoskins.          | Wyatt.         |
| Hughes.           |                |

## Nays—71.

|                  |                    |
|------------------|--------------------|
| Adams of Jasper. | Graves.            |
| Adamson.         | Grogan.            |
| Akin.            | Harrison           |
| Albritton.       | of Waller.         |
| Alsup.           | Hefley.            |
| Anderson.        | Herzik.            |
| Baker.           | Holder.            |
| Bedford.         | Holloway.          |
| Bond.            | Howsley.           |
| Bounds.          | Hubbard.           |
| Bradley.         | Johnson            |
| Brice.           | of Dimmit.         |
| Burns            | Johnson of Morris. |
| of McCulloch.    | Jones of Shelby.   |
| Caven.           | Kayton.            |
| Claunch.         | Kennedy.           |
| Coombes.         | Laird.             |
| Davis.           | Lee.               |
| Dodd.            | Lemens.            |
| Dowell.          | Lilley.            |
| Dwyer.           | McDougald.         |
| Elliott.         | McGregor.          |
| Farrar.          | Martin.            |
| Forbes.          | Mathis.            |
| Ford.            | Moffett.           |
| Giles.           | Munson.            |
| Goodman.         | Murphy.            |

|                   |                  |
|-------------------|------------------|
| Nicholson.        | Stevenson.       |
| O'Quinn.          | Steward.         |
| Petsch.           | Strong.          |
| Ramsey.           | Towery.          |
| Ratliff.          | Turner.          |
| Rountree.         | Veatch.          |
| Sanders.          | Wagstaff.        |
| Savage.           | Weinert.         |
| Smith of Bastrop. | West of Coryell. |
| Sparkman.         | Young.           |

Absent.

|                    |               |
|--------------------|---------------|
| Brooks.            | Keller.       |
| Carpenter.         | Lasseter.     |
| Dunlap.            | Long.         |
| Duvall.            | Moore.        |
| Ferguson.          | Olsen.        |
| Finn.              | Patterson.    |
| Gilbert.           | Sherrill.     |
| Harman.            | Stephens.     |
| Hill.              | Terrell       |
| Jackson.           | of Val Verde. |
| Jones of Atascosa. | Westbrook.    |
| Justiss.           |               |

Absent—Excused.

|          |                  |
|----------|------------------|
| Adkins.  | Morse.           |
| Leonard. | West of Cameron. |

Mr. Reader offered the following amendment to the amendment:

Amend amendment by striking out "75" and inserting in lieu thereof "250."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—37.

|                  |              |
|------------------|--------------|
| Adams of Harris. | Hoskins.     |
| Beck.            | Hughes.      |
| Boyd.            | Lockhart.    |
| Bryant.          | McCombs.     |
| Burns of Walker. | Mehl.        |
| Cunningham.      | Olsen.       |
| Dale.            | Pope.        |
| Daniel.          | Ray.         |
| DeWolfe.         | Reader.      |
| Engelhard.       | Richardson.  |
| Farmer.          | Scott.       |
| Fisher.          | Shelton.     |
| Greathouse.      | Sherrill.    |
| Hatchitt.        | Tarwater.    |
| Hanson.          | Terrell      |
| Hardy.           | of Cherokee. |
| Herzik.          | Vaughan.     |
| Hines.           | Walker.      |
| Holland.         | Wiggs.       |

Nays—89.

|                  |           |
|------------------|-----------|
| Adams of Jasper. | Alsup.    |
| Akin.            | Anderson. |
| Albritton.       | Baker.    |

|                    |                   |
|--------------------|-------------------|
| Barron.            | Kayton.           |
| Bedford.           | Laird.            |
| Bounds.            | Lasseter.         |
| Bradley.           | Lemens.           |
| Brice.             | Lilley.           |
| Brooks.            | McDougald.        |
| Burns              | McGill.           |
| of McCulloch.      | McGregor.         |
| Caven.             | Magee.            |
| Claunch.           | Martin.           |
| Coltrin.           | Mathis.           |
| Coombes.           | Moffett.          |
| Cox of Lamar.      | Munson.           |
| Cox of Limestone.  | Murphy.           |
| Davis.             | Nicholson.        |
| Donnell.           | O'Quinn.          |
| Dowell.            | Petsch.           |
| Dwyer.             | Ramsey.           |
| Elliott.           | Ratliff.          |
| Farrar.            | Rogers.           |
| Finn.              | Rountree.         |
| Forbes.            | Sanders.          |
| Ford.              | Satterwhite.      |
| Fuchs.             | Savage.           |
| Giles.             | Smith of Bastrop. |
| Goodman.           | Smith of Wood.    |
| Graves.            | Sparkman.         |
| Grogan.            | Stephens.         |
| Harman.            | Stevenson.        |
| Harrison           | Steward.          |
| of El Paso.        | Strong.           |
| Harrison           | Sullivant.        |
| of Waller.         | Terrell           |
| Hefley.            | of Val Verde.     |
| Holder.            | Towery.           |
| Holloway.          | Turner.           |
| Howsley.           | Van Zandt.        |
| Hubbard.           | Veatch.           |
| Jackson.           | Wagstaff.         |
| Johnson            | Warwick.          |
| of Dallam.         | Weinert.          |
| Johnson            | West of Coryell.  |
| of Dimmit.         | Wyatt.            |
| Johnson of Morris. | Young.            |
| Justiss.           |                   |

Absent.

|                  |                    |
|------------------|--------------------|
| Adamson.         | Jones of Atascosa. |
| Bond.            | Keller.            |
| Carpenter.       | Kennedy.           |
| Dodd.            | Lee.               |
| Dunlap.          | Long.              |
| Duvall.          | Metcalfe.          |
| Ferguson.        | Moore.             |
| Gilbert.         | Patterson.         |
| Hill.            | Westbrook.         |
| Jones of Shelby. |                    |

Absent—Excused.

|          |                  |
|----------|------------------|
| Adkins.  | Morse.           |
| Leonard. | West of Cameron. |

Mr. McCombs offered the following amendment to the amendment:

Amend amendment by changing "75" to "76."

On motion of Mr. Anderson, the motion by Mr. McCombs was tabled.

Mr. Dale offered the following amendment to the amendment:

Amend the amendment by striking out "75" and substitute in lieu thereof "150."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47.

|                   |              |
|-------------------|--------------|
| Beck.             | Justiss.     |
| Boyd.             | Laird.       |
| Brooks.           | Lasseter.    |
| Burns of Walker.  | Lockhart.    |
| Cox of Lamar.     | McCombs.     |
| Cox of Limestone. | McGill.      |
| Cunningham.       | Mehl.        |
| Dale.             | Olsen.       |
| Daniel.           | Pope.        |
| DeWolfe.          | Ray.         |
| Donnell.          | Richardson.  |
| Engelhard.        | Rogers.      |
| Farmer.           | Scott.       |
| Fisher.           | Shelton.     |
| Gilbert.          | Sherrill.    |
| Greathouse.       | Sullivant.   |
| Hatchitt.         | Tarwater.    |
| Hanson.           | Terrell      |
| Hardy.            | of Cherokee. |
| Hines.            | Van Zandt.   |
| Holland.          | Vaughan.     |
| Hoskins.          | Walker.      |
| Hughes.           | Warwick.     |
| Johnson           | Wiggs.       |
| of Dallam.        |              |

Nays—74.

|                  |                    |
|------------------|--------------------|
| Adams of Jasper. | Giles.             |
| Adamson.         | Goodman.           |
| Akin.            | Grogan.            |
| Albritton.       | Harman.            |
| Alsup.           | Harrison           |
| Baker.           | of El Paso.        |
| Barron.          | Hefley.            |
| Bedford.         | Herzik.            |
| Bounds.          | Holder.            |
| Brice.           | Holloway.          |
| Burns            | Howsley.           |
| of McCulloch.    | Jackson.           |
| Carpenter.       | Johnson            |
| Caven.           | of Dimmit.         |
| Claunch.         | Johnson of Morris. |
| Coltrin.         | Jones of Shelby.   |
| Coombes.         | Kayton.            |
| Davis.           | Kennedy.           |
| Dodd.            | Lee.               |
| Dowell.          | Lemens.            |
| Dwyer.           | Lilley.            |
| Elliott.         | McGregor.          |
| Finn.            | Magee.             |
| Forbes.          | Martin.            |
| Ford.            | Mathis.            |
| Fuchs.           | Moffett.           |

|                   |               |
|-------------------|---------------|
| Munson.           | Stephens.     |
| Murphy.           | Stevenson.    |
| Nicholson.        | Steward.      |
| O'Quinn.          | Strong.       |
| Patterson.        | Terrell       |
| Petsch.           | of Val Verde. |
| Ramsey.           | Towery.       |
| Ratliff.          | Turner.       |
| Rountree.         | Veatch.       |
| Sanders.          | Wagstaff.     |
| Satterwhite.      | Weinert.      |
| Savage.           | Wyatt.        |
| Smith of Bastrop. | Young.        |
| Smith of Wood.    |               |

Absent.

|                  |                    |
|------------------|--------------------|
| Adams of Harris. | Hill.              |
| Anderson.        | Hubbard.           |
| Bond.            | Jones of Atascosa. |
| Bradley.         | Keller.            |
| Bryant.          | Long.              |
| Dunlap.          | McDougald.         |
| Duvall.          | Metcalfe.          |
| Farrar.          | Moore.             |
| Ferguson.        | Reader.            |
| Graves.          | Sparkman.          |
| Harrison         | West of Coryell.   |
| of Waller.       | Westbrook.         |

Absent—Excused.

|          |                  |
|----------|------------------|
| Adkins.  | Morse.           |
| Leonard. | West of Cameron. |

Mr. Magee offered the following amendment to the amendment:

Amend amendment by striking out "75" and insert "101."

The amendment was lost.

Mr. O'Quinn moved the previous question on the pending amendment by Mr. Stevenson, and the main question was ordered.

Question recurring on the amendment by Mr. Stevenson, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—112.

|                  |             |
|------------------|-------------|
| Adams of Jasper. | Claunch.    |
| Adamson.         | Coltrin.    |
| Akin.            | Coombes.    |
| Alsup.           | Cunningham. |
| Baker.           | Dale.       |
| Barron.          | Davis.      |
| Beck.            | Dodd.       |
| Bedford.         | Donnell.    |
| Bounds.          | Dowell.     |
| Boyd.            | Elliott.    |
| Bradley.         | Engelhard.  |
| Brice.           | Farmer.     |
| Brooks.          | Farrar.     |
| Bryant.          | Finn.       |
| Burns of Walker. | Forbes.     |
| Caven.           | Ford.       |

|                    |                   |
|--------------------|-------------------|
| Fuchs.             | Moffett.          |
| Gilbert.           | Munson.           |
| Giles.             | Murphy.           |
| Goodman.           | Nicholson.        |
| Graves.            | Olsen.            |
| Greathouse.        | O'Quinn.          |
| Grogan.            | Patterson.        |
| Hardy.             | Petsch.           |
| Harrison           | Pope.             |
| of El Paso.        | Ramsey.           |
| Hefley.            | Ratliff.          |
| Herzik.            | Reader.           |
| Hines.             | Richardson.       |
| Holder.            | Rogers.           |
| Holland.           | Rountree.         |
| Holloway.          | Sanders.          |
| Howsley.           | Satterwhite.      |
| Hughes.            | Savage.           |
| Jackson.           | Scott.            |
| Johnson            | Smith of Bastrop. |
| of Dallam.         | Smith of Wood.    |
| Johnson            | Sparkman.         |
| of Dimmit.         | Stephens.         |
| Johnson of Morris. | Stevenson.        |
| Jones of Shelby.   | Steward.          |
| Justiss.           | Strong.           |
| Kayton.            | Sullivant.        |
| Kennedy.           | Tarwater.         |
| Laird.             | Terrell           |
| Lasseter.          | of Cherokee.      |
| Lee.               | Towery.           |
| Lemens.            | Turner.           |
| Lilley.            | Van Zandt.        |
| Lockhart.          | Vaughan.          |
| McCombs.           | Veatch.           |
| McGill.            | Wagstaff.         |
| McGregor.          | Walker.           |
| Magee.             | Weinert.          |
| Martin.            | West of Coryell.  |
| Mathis.            | Wiggs.            |
| Mehl.              | Wyatt.            |
| Metcalf.           | Young.            |

Nays—7.

|           |           |
|-----------|-----------|
| Daniel.   | Ray.      |
| DeWolfe.  | Shelton.  |
| Hatchitt. | Sherrill. |
| Hoskins.  |           |

Present—Not Voting.

|         |         |
|---------|---------|
| Fisher. | Hanson. |
|---------|---------|

Absent.

|                   |                    |
|-------------------|--------------------|
| Adams of Harris.  | Ferguson.          |
| Albritton.        | Harman.            |
| Anderson.         | Harrison           |
| Bond.             | of Waller.         |
| Burns             | Hill.              |
| of McCulloch.     | Hubbard.           |
| Carpenter.        | Jones of Atascosa. |
| Cox of Lamar.     | Keller.            |
| Cox of Limestone. | Long.              |
| Dunlap.           | McDougald.         |
| Duvall.           | Moore.             |
| Dwyer.            |                    |

|               |            |
|---------------|------------|
| Terrell       | Warwick.   |
| of Val Verde. | Westbrook. |

Absent—Excused.

|          |                  |
|----------|------------------|
| Adkins.  | Morse.           |
| Leonard. | West of Cameron. |

Mr. Beck offered the following amendments to the bill:

(1)

Amend House bill No. 335, page 12, line 21, by adding after the sentence ending with the word "carrier" the following: "provided, however, that the Commission shall not require insurance covering loss of or damage to cargo in amount excessive for the class of service to be rendered by any motor carrier."

(2)

Amend House bill No. 335, page 9, by adding to Section 7 the following: "provided, that no person now authorized by law to operate as a Class 'A' or Class 'B' motor carrier, and who has paid annual fees required by law of the holders of certificates or permits for the year ending September 1st, 1931, shall be required to pay any additional fee incident to the issuance of certificates required in this amendment in lieu of those now required by law."

(3)

Amend House bill No. 335, page 16, line 17, by adding after the word "installments" the following: "and no employe of the Commission shall ask or receive any fee from any person for the taking of acknowledgments or any other service except as herein provided."

(4)

Amend House bill No. 335, page 9, line 17, by changing the words "twenty-five dollars (\$25)" to "ten dollars (\$10)."

(5)

Amend House bill No. 335, page 15, line 34, by changing the words "twenty-five dollars (\$25)" to "ten dollars (\$10)."

(6)

Amend House bill No. 335 by adding at the end of Section 14 the following: "that it shall not be construed to be a violation of this law for the operator of a truck to permit a person to ride upon a truck without compensation."

(7)

Amend House bill No. 335, page 7, line 20, by adding after the words "or of General Laws" the words "regulating motor vehicles."

The amendments were severally adopted.

Mr. Beck offered the following amendment to the bill:

Amend House bill No. 335, page 13, line 6, by striking out all of Section 13 after the word "transportation."

(Mr. Sanders in the chair.)

Mr. Duvall offered the following substitute for the amendment:

Substitute to Beck's amendment by striking out all after word "necessary," line 4, page 13, Section 13, and ending with word "delivered," line 10, same section and page.

DUVALL,  
HARRISON of El Paso.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Howsley offered the following amendment to the bill:

Amend House bill No. 335, Section 6, as amended, by adding after Section (d) a new section, to be known as Section (e), to read as follows:

"No permit shall be required of any contract carrier hauling oil well supplies and materials between common carrier receiving or loading points and between oil fields for a distance of 75 miles, nor shall a permit be required of contract carriers hauling stone of any nature from the quarry to common carrier receiving or loading points or point of delivery for a distance of 75 miles."

HOWSLEY,  
HARDY,  
LONG,  
PETSCH,  
MATHIS.

Mr. Petsch offered the following substitute for the amendment:

Amend House bill No. 335, Section 6, by adding a new subsection, to be known as subsection (f), to read as follows:

"No permit shall be required, as hereinbefore provided, by any contract carrier who confines his service and operation for hire exclusively to a radius of 75 miles and to transport-

ing commodities exclusively between the place of origin or production and to the point of concentration, gin, shipping point or a common carrier, mill, finishing plant or market within such distance, and to hauling commodities from the common carrier depots to such destination within such 75 miles, upon such contract carrier filing a sworn statement with the Railroad Commission setting forth such intention upon forms prescribed by the Commission."

PETSCH,  
VAN ZANDT,  
HOLDER.

Question — Shall the substitute amendment be adopted?

(Speaker in the chair.)

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 31, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate bill No. 54 and requests a free conference committee on part of the House. The Senate has appointed as a conference committee on part of the Senate the following: Woodward, Purl, Small, Martin and Hornsby.

Respectfully,

JNO. B. DuPRIEST,

Assistant Secretary of the Senate.

#### BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 103, "An Act for the control and prevention of malaria; prescribing the duties of the State Board of Health in reference thereto; making an appropriation, and declaring an emergency."

#### COMMITTEE TO VISIT HON. THURMAN ADKINS.

Mr. Albritton moved that the Speaker appoint a committee of two members to visit Hon. Thurman Adkins, who is now ill at his home.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Albritton and Barron.

## RECESS.

Mr. Howsley moved that the House recess to 2 o'clock p. m. today.

Mr. McCombs moved that the House adjourn until 2 o'clock p. m. Tuesday.

The motion of Mr. Howsley prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## CONFERENCE COMMITTEE ON SENATE BILL NO. 54.

Mr. Burns of Walker called up from the Speaker's table, for consideration at this time, the request of the Senate for the appointment of a conference committee on Senate bill No. 54, and moved that the request be granted.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Burns of Walker, Graves, Davis, Anderson and Farrar.

## COMMUNICATION FROM HON. TOM CONNALLY.

The Speaker laid before the House and had read the following communication:

March 27, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives, Austin, Texas.

My Dear Mr. Speaker: I have received a copy of House concurrent resolution No. 41, inviting me to address the Senate and House of Representatives some time during its present session.

Allow me to express to you, and through you to the membership of the House, my grateful appreciation of the honor which this invitation confers. It shall afford me pleasure to comply with the invitation, and I shall be glad to address the two houses at such a time as may be agreeable to them.

Sincerely,

TOM CONNALLY.

## HOUSE BILL ON FIRST READING.

The following House bill, introduced today (by unanimous consent), was laid before the House, read first time and referred to the appropriate committee, as follows:

By Mr. Satterwhite:

H. B. No. 1000, A bill to be entitled "An Act to amend Chapter 7, Title 121, of the Revised Civil Statutes of 1925, so that Presidio county shall not be exempted from the operation of Articles 6972 to 7008, inclusive, relating to the inspection of hides and animals; providing for appointment of an inspector of hides and animals for Presidio county, until the next general election, by the commissioners court of Presidio county; and further providing that should said court fail to appoint such officer, that the sheriff of Presidio county shall perform the duties of said office; making provision for the disposition of the fees collected by the sheriff of Presidio county while performing the duties of inspector of hides and animals; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

## HOUSE BILL NO. 335 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 335, relative to regulating motor carriers transporting property over the public highways, the bill having heretofore been read second time, with amendment by Mr. Howsley and substitute by Mr. Petch for the amendment, pending.

Mr. Petsch withdrew the pending substitute and offered the following in lieu thereof:

Amend House bill No. 335, Section 6, and adding sub-paragraph (e), to read as follows:

"Section (e). No permit shall be required, as hereinbefore provided, by any contract carrier who confines his service and operation exclusively to a distance of 75 miles or less and to transporting commodities exclusively between the place of origin or production and to the point of concentration, gin, shipping point on a common carrier, mill, finishing plant or market within such distance, and to hauling commodities from the com-

mon carrier depots to their destination within such distance, nor to transporting for a distance of 75 miles or less of any machinery or equipment used for the actual carrying on of any business within this State, upon such contract carrier having filed with the Railroad Commission a sworn statement setting forth such intention upon forms prescribed by the Commission, and being in possession of evidence certifying to the filing of such affidavit."

Mr. Beck raised a point of order on further consideration of the substitute amendment by Mr. Petsch on the ground it seeks to eliminate matter inserted by an amendment heretofore adopted by the House.

The Speaker overruled the point of order.

Question then recurring on the substitute by Mr. Petsch, it was adopted.

The amendment as substituted was then adopted.

Mr. Burns of Walker offered the following amendment to the bill:

Amend House bill No. 335, Section 6a, page 7, line 23, by adding after the word "inherited" the following: "provided, that it shall be unlawful hereafter for any railroad company or railroad companies or holding company or holding companies in this State to own, control or operate any motor truck carriers or motor bus carriers for the purpose of transporting any freight or passengers for compensation or hire as common carriers, except as herein provided; and it shall be unlawful for any such company or companies to own any stock or financial interest in any such company; provided, however, that any such railroad company or companies shall have two (2) years from the effective date herein within which to dispose of all trucks, busses, franchises and all other equipment and all other property owned in connection therewith; provided further, that at any time before the expiration thereof, if upon application and hearing it shall be made to appear to said Railroad Commission that said property cannot be disposed of at its reasonable market price, then and in that event an extension may be granted by the Railroad Commission within which to sell the same; and provided further, that not more than two (2) extensions shall be granted to any railroad company, which shall be for such time as said Railroad

Commission may deem reasonable and proper; provided, that railroads and motor carriers shall have authority to deliver consignments from the termini points to the consignee and passengers to their homes within a city or town or suburban territory, and they may also, with a permit from the Railroad Commission, for which no fee shall be paid, transport passengers or property from one point on their route to a point on a route of another carrier where no transfer charge is made except as a part of the passenger's fare or freight charge."

Mr. Vaughan raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

(Pending consideration of the amendment, Mr. Sanders occupied the chair temporarily.)

(Speaker in the chair.)

Question recurring on the amendment by Mr. Burns of Walker, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—43.

|                  |                   |
|------------------|-------------------|
| Adams of Harris. | Hughes.           |
| Anderson.        | Johnson           |
| Beck.            | of Dallam.        |
| Bond.            | Kayton.           |
| Boyd.            | Laird.            |
| Burns            | Lockhart.         |
| of McCulloch.    | McCombs.          |
| Burns of Walker. | Mehl.             |
| Caven.           | Olsen.            |
| Coltrin.         | Pope.             |
| Daniel.          | Ray.              |
| Donnell.         | Reader.           |
| Duvall.          | Richardson.       |
| Engelhard.       | Rogers.           |
| Farmer.          | Rountree.         |
| Fisher.          | Scott.            |
| Giles.           | Sherrill.         |
| Hanson.          | Smith of Bastrop. |
| Hardy.           | Sullivant.        |
| Harman.          | Tarwater.         |
| Hatchitt.        | Terrell           |
| Hines.           | of Cherokee.      |
| Hoskins.         | Van Zandt.        |

Nays—86.

|                  |          |
|------------------|----------|
| Adams of Jasper. | Baker.   |
| Adamson.         | Barron.  |
| Akin.            | Bedford. |
| Albritton.       | Bounds.  |
| Alsop.           | Bradley. |



|                    |                |
|--------------------|----------------|
| Brice.             | Lemens.        |
| Brooks.            | Leonard.       |
| Bryant.            | Lilley.        |
| Carpenter.         | McGill.        |
| Claunch.           | McGregor.      |
| Coombes.           | Magee.         |
| Cox of Lamar.      | Martin.        |
| Cox of Limestone.  | Mathis.        |
| Cunningham.        | Metcalfe.      |
| Dale.              | Moffett.       |
| Davis.             | Moore.         |
| DeWolfe.           | Munson.        |
| Dodd.              | Murphy.        |
| Dowell.            | Nicholson.     |
| Dunlap.            | Patterson.     |
| Dwyer.             | Petsch.        |
| Elliott.           | Ramsey.        |
| Finn.              | Ratliff.       |
| Forbes.            | Sanders.       |
| Ford.              | Satterwhite.   |
| Fuchs.             | Savage.        |
| Goodman.           | Smith of Wood. |
| Graves.            | Sparkman.      |
| Grogan.            | Stephens.      |
| Harrison           | Stevenson.     |
| of El Paso.        | Steward.       |
| Hefley.            | Strong.        |
| Herzik.            | Terrell        |
| Hill.              | of Val Verde.  |
| Holland.           | Towery.        |
| Holloway.          | Turner.        |
| Howsley.           | Vaughan.       |
| Hubbard.           | Veatch.        |
| Jackson.           | Wagstaff.      |
| Johnson            | Walker.        |
| of Dimmit.         | Warwick.       |
| Johnson of Morris. | Weinert.       |
| Keller.            | Westbrook.     |
| Kennedy.           | Wiggs.         |
| Lee.               | Wyatt.         |

## Present—Not Voting.

McDougald.

## Absent.

|                    |                  |
|--------------------|------------------|
| Farrar.            | Jones of Shelby. |
| Ferguson.          | Justiss.         |
| Gilbert.           | Lasseter.        |
| Greathouse.        | Long.            |
| Harrison           | O'Quinn.         |
| of Waller.         | Shelton.         |
| Holder.            | West of Coryell. |
| Jones of Atascosa. | Young.           |

## Absent—Excused.

|         |                  |
|---------|------------------|
| Adkins. | West of Cameron. |
| Morse.  |                  |

## Paired.

Mr. McDougald (present), who would vote "nay," with Mr. Lasseter (absent), who would vote "yea."

Mr. Greathouse offered the following amendment to the bill:

Amend House bill No. 335 by striking out Section 6, including all subsections.

Mr. DeWolfe offered the following substitute for the amendment:

Amend House bill No. 335, page 8, line 15, after the word "territory" by adding the following: "provided, however, that when it appears to the satisfaction of the Commission that any motor carrier making application for certificate is, at the time of the filing of the application, the owner and holder of a Class B certificate heretofore granted under the then existing provisions of the act and is and has been operating in good faith as a contract carrier or a Class B operator over the State highways, said common carrier or contract carrier shall, upon application, be granted a certificate to operate just as said carrier shall have been operating and no more."

Question recurring on the substitute amendment by Mr. DeWolfe, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—89.

|                   |                    |
|-------------------|--------------------|
| Adams of Harris.  | Gilbert.           |
| Adams of Jasper.  | Giles.             |
| Albritton.        | Hanson.            |
| Alsup.            | Hardy.             |
| Beck.             | Harman.            |
| Bond.             | Harrison           |
| Boyd.             | of El Paso.        |
| Bradley.          | Hatchitt.          |
| Brooks.           | Herzik.            |
| Burns             | Hill.              |
| of McCulloch.     | Holland.           |
| Burns of Walker.  | Holloway.          |
| Carpenter.        | Hoskins.           |
| Caven.            | Howsley.           |
| Claunch.          | Hubbard.           |
| Coombes.          | Hughes.            |
| Cox of Lamar.     | Jackson.           |
| Cox of Limestone. | Johnson            |
| Cunningham.       | of Dallam.         |
| Dale.             | Johnson            |
| Daniel.           | of Dimmit.         |
| DeWolfe.          | Johnson of Morris. |
| Dodd.             | Keller.            |
| Donnell.          | Kennedy.           |
| Dowell.           | Laird.             |
| Dwyer.            | Lee.               |
| Engelhard.        | Leonard.           |
| Farmer.           | Lockhart.          |
| Farrar.           | McCombs.           |
| Finn.             | McGill.            |
| Fisher.           | Martin.            |
| Forbes.           | Mehl.              |
| Ford.             | Metcalfe.          |
| Fuchs.            | Olsen.             |

|                |               |
|----------------|---------------|
| Patterson.     | Sullivant.    |
| Pope.          | Tarwater.     |
| Ray.           | Terrell       |
| Reader.        | of Cherokee.  |
| Richardson.    | Terrell       |
| Rountree.      | of Val Verde. |
| Sanders.       | Towery.       |
| Satterwhite.   | Van Zandt.    |
| Scott.         | Vaughan.      |
| Sherrill.      | Veatch.       |
| Smith of Wood. | Wagstaff.     |
| Sparkman.      | Walker.       |
| Stevenson.     | Wiggs.        |
| Steward.       | Wyatt.        |

## Nays—28.

|            |                   |
|------------|-------------------|
| Adamson.   | Lilley.           |
| Akin.      | McDougald.        |
| Baker.     | McGregor.         |
| Bedford.   | Magee.            |
| Bounds.    | Mathis.           |
| Bryant.    | Munson.           |
| Davis.     | Nicholson.        |
| Duvall.    | Ratliff.          |
| Elliott.   | Savage.           |
| Goodman.   | Smith of Bastrop. |
| Graves.    | Stephens.         |
| Harrison   | Strong.           |
| of Waller. | Turner.           |
| Holder.    | Weinert.          |
| Kayton.    |                   |

## Present—Not Voting.

|         |        |
|---------|--------|
| Grogan. | Moore. |
| Lemens. |        |

## Absent.

|                    |                  |
|--------------------|------------------|
| Anderson.          | Long.            |
| Barron.            | Moffett.         |
| Brice.             | Murphy.          |
| Coltrin.           | O'Quinn.         |
| Dunlap.            | Petsch.          |
| Ferguson.          | Ramsey.          |
| Greathouse.        | Rogers.          |
| Hefley.            | Shelton.         |
| Hines.             | Warwick.         |
| Jones of Atascosa. | West of Coryell. |
| Jones of Shelby.   | Westbrook.       |
| Justiss.           | Young.           |
| Lasseter.          |                  |

## Absent—Excused.

|         |                  |
|---------|------------------|
| Adkins. | West of Cameron. |
| Morse.  |                  |

The amendment as substituted was then adopted.

Mr. Hubbard offered the following amendment to the bill:

Amend House bill No. 335, page 12, Section 12, lines 12 and 13 of the printed bill, by striking out after the word "for" in line 12 the words "loss or damages from," and by striking out after the word "injury" in line 12

the words "or loss of or injury to property," and insert after the word "injury" in line 12 the words "or property damage."

The amendment was adopted.

Mr. Scott offered the following amendment to the bill:

Amend House bill No. 335 by inserting in Section 6a, line 17, page 7, after the word "suspended" the following: "for ten days."

The amendment was adopted.

Mr. Harrison of El Paso offered the following amendment to the bill:

Amend House bill No. 335 by striking out that portion beginning with the word "not," line 23, page 13, and ending with the word "imprisonment," line 25, page 13, and inserting in lieu thereof the following: "not less than \$25 nor more than \$200" and change the word "\$500" in line 28, page 13, to "\$100."

The amendment was adopted.

Mr. Harrison of El Paso offered the following amendment to the bill:

Amend House bill No. 335 by inserting after the word "carrier," line 21, page 12, the following: "provided further, that in the event the insured shall abandon his permit and leave the State, a claimant, asserting a claim within the provisions of said bonds or policies, may file suit against the company executing such bond or policies in a court of competent jurisdiction, and if judgment is obtained establishing his claim said company shall pay such judgment as herein provided in those cases where judgment is obtained against the motor carrier."

The amendment was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend House bill No. 335, Section 6, by inserting before the word "minimum" the words "maximum and."

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House bill No. 335 by inserting after the word "not" in line 20, on page 4, these words: "provided, that the Commission shall not have regard to railroad, interurban railroad or aviation rates for transportation of property when fixing, prescribing or approving rates for common carrier over the highways of this State, but shall fix, prescribe and approve such rates of transportation

as are reasonable from the point of common carriers on the highways alone."

(Mr. McGill in the chair.)

Question recurring on the amendment, it was lost:

Mr. Gilbert offered the following amendments to the bill:

(1)

Amend House bill No. 335, on page 17, after the period in line 24, Section 18, by adding the words "or as soon thereafter as possible."

(2)

Amend House bill No. 335, on page 17, line 26, by striking out the words "each plate" and insert in lieu thereof the words "each pair of plates."

The amendments were severally adopted.

RECESS.

Mr. Anderson moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Satterwhite moved that the House recess to 9 o'clock a. m. tomorrow.

Mr. Beck moved that the House adjourn until 9:30 o'clock a. m., Wednesday, April 1.

Mr. Albritton moved that the House recess to 8:30 o'clock a. m. tomorrow.

Mr. McCombs moved that the House recess to 7:30 o'clock p. m. today.

Question first recurring on the motion by Mr. Beck to adjourn until 9:30 o'clock a. m., Wednesday, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—17.

|                  |           |
|------------------|-----------|
| Adams of Harris. | Holloway. |
| Beck.            | Keller.   |
| Bounds.          | Lockhart. |
| Daniel.          | McCombs.  |
| Dodd.            | Olsen.    |
| Dunlap.          | Sherrill. |
| Farmer.          | Tarwater. |
| Harrison         | Warwick.  |
| of Waller.       | Wiggs.    |

Nays—94.

|                  |            |
|------------------|------------|
| Adams of Jasper. | Albritton. |
| Adamson.         | Alsup.     |
| Akin.            | Anderson.  |

|                   |                       |
|-------------------|-----------------------|
| Baker.            | Johnson of Morris.    |
| Barron.           | Jones of Shelby.      |
| Bedford.          | Justiss.              |
| Bond.             | Kayton.               |
| Boyd.             | Kennedy.              |
| Bradley.          | Lee.                  |
| Bryant.           | Lemens.               |
| Carpenter.        | Leonard.              |
| Caven.            | Lilley.               |
| Claunch.          | McDougald.            |
| Coltrin.          | McGregor.             |
| Coombes.          | Magee.                |
| Cox of Lamar.     | Martin.               |
| Cox of Limestone. | Mehl.                 |
| Cunningham.       | Moore.                |
| Dale.             | Munson.               |
| Davis.            | Murphy.               |
| Donnell.          | Nicholson.            |
| Dowell.           | O'Quinn.              |
| Elliott.          | Patterson.            |
| Farrar.           | Petsch.               |
| Finn.             | Ratliff.              |
| Fisher.           | Reader.               |
| Forbes.           | Rogers.               |
| Ford.             | Satterwhite.          |
| Fuchs.            | Savage.               |
| Gilbert.          | Scott.                |
| Giles.            | Smith of Bastrop.     |
| Goodman.          | Smith of Wood.        |
| Grogan.           | Sparkman.             |
| Hanson.           | Stephens.             |
| Hardy.            | Stevenson.            |
| Harman.           | Strong.               |
| Harrison          | Sullivant.            |
| of El Paso.       | Terrell of Cherokee.  |
| Hatchitt.         | Terrell of Val Verde. |
| Herzik.           | Towery.               |
| Hill.             | Turner.               |
| Holland.          | Van Zandt.            |
| Hoskins.          | Veatch.               |
| Howsley.          | Wagstaff.             |
| Hughes.           | Walker.               |
| Jackson.          | West of Coryell.      |
| Johnson           | Wyatt.                |
| of Dimmit.        | Young.                |

Absent.

|                    |             |
|--------------------|-------------|
| Brice.             | Laird.      |
| Brooks.            | Lasseter.   |
| Burns              | Long.       |
| of McCulloch.      | McGill.     |
| Burns of Walker.   | Mathis.     |
| DeWolfe.           | Metcalfe.   |
| Duvall.            | Moffett.    |
| Dwyer.             | Pope.       |
| Engelhard.         | Ramsey.     |
| Ferguson.          | Ray.        |
| Graves.            | Richardson. |
| Greathouse.        | Rountree.   |
| Hefley.            | Sanders.    |
| Hines.             | Shelton.    |
| Holder.            | Steward.    |
| Hubbard.           | Vaughan.    |
| Johnson            | Weinert.    |
| of Dallam.         | Westbrook.  |
| Jones of Atascosa. |             |

## Absent—Excused.

Adkins. West of Cameron.  
Morse.

Question then recurring on the motion by Mr. Albritton to recess to 8:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—48.

|                  |                    |
|------------------|--------------------|
| Albritton.       | Johnson            |
| Alsup.           | of Dallam.         |
| Baker.           | Johnson            |
| Barron.          | of Dimmit.         |
| Beck.            | Johnson of Morris. |
| Bond.            | Lee.               |
| Bryant.          | Lemens.            |
| Carpenter.       | Lilley.            |
| Caven.           | McCombs.           |
| Claunch.         | McDougald.         |
| Dale.            | McGregor.          |
| Engelhard.       | Moffett.           |
| Finn.            | Petsch.            |
| Fisher.          | Rogers.            |
| Forbes.          | Rountree.          |
| Ford.            | Savage.            |
| Fuchs.           | Scott.             |
| Giles.           | Sherrill.          |
| Goodman.         | Smith of Wood.     |
| Graves.          | Steward.           |
| Hanson.          | Tarwater.          |
| Herzik.          | Turner.            |
| Holloway.        | Walker.            |
| Hoskins.         | Warwick.           |
| Jones of Shelby. | Young.             |

## Nays—72.

|                   |             |
|-------------------|-------------|
| Adams of Harris.  | Harman.     |
| Adams of Jasper.  | Harrison    |
| Adamson.          | of El Paso. |
| Akin.             | Harrison    |
| Anderson.         | of Walker.  |
| Bedford.          | Hatchitt.   |
| Bounds.           | Hill.       |
| Boyd.             | Holder.     |
| Bradley.          | Holland.    |
| Coltrin.          | Howsley.    |
| Coombes.          | Hughes.     |
| Cox of Lamar.     | Jackson.    |
| Cox of Limestone. | Justiss.    |
| Cunningham.       | Kayton.     |
| Daniel.           | Keller.     |
| Davis.            | Kennedy.    |
| Dodd.             | Laird.      |
| Donnell.          | Leonard.    |
| Dowell.           | Lockhart.   |
| Duvall.           | Magee.      |
| Elliott.          | Martin.     |
| Farmer.           | Mehl.       |
| Farrar.           | Moore.      |
| Gilbert.          | Munson.     |
| Grogan.           | Murphy.     |
| Hardy.            | Nicholson.  |

|                      |                  |
|----------------------|------------------|
| Olsen.               | Terrell          |
| O'Quinn.             | of Val Verde.    |
| Patterson.           | Towery.          |
| Ratliff.             | Van Zandt.       |
| Reader.              | Vaughan.         |
| Satterwhite.         | Veatch.          |
| Smith of Bastrop.    | Wagstaff.        |
| Sparkman.            | Weinert.         |
| Stephens.            | West of Coryell. |
| Strong.              | Wiggs.           |
| Sullivant.           | Wyatt.           |
| Terrell of Cherokee. |                  |

## Absent.

|                    |             |
|--------------------|-------------|
| Brice.             | Lasseter.   |
| Brooks.            | Long.       |
| Burns              | McGill.     |
| of McCulloch.      | Mathis.     |
| Burns of Walker.   | Metcalfe.   |
| DeWolfe.           | Pope.       |
| Dunlap.            | Ramsey.     |
| Dwyer.             | Ray.        |
| Ferguson.          | Richardson. |
| Greathouse.        | Sanders.    |
| Hefley.            | Shelton.    |
| Hines.             | Stevenson.  |
| Hubbard.           | Westbrook.  |
| Jones of Atascosa. |             |

## Absent—Excused.

Adkins. West of Cameron.  
Morse.

Question then recurring on the motion by Mr. Satterwhite, it prevailed, and the House accordingly, at 5:55 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Appropriations: House bill No. 309.

Constitutional Amendments: House joint resolutions Nos. 33 and 45.

The following committees have filed adverse reports on bills, as follows:

Constitutional Amendments: House joint resolutions 16, 35 and 36.

Insurance: House bills Nos. 622, 832 and 950.

## THIRTY-SEVENTH DAY.

(Continued.)

(Wednesday, April 1, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.